

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12039 OF 2016

Maroti s/o Kondiba Pupalwad
age 32 years, occ. Service
r/o At post Patoda, Tq. Naigaon
Dist. Nanded

Petitioner

Versus

1. The State of Maharashtra
Tribal Development Department
Through its Secretary
Mantralaya, Mumbai 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director/Member.
3. The Chief Executive Officer
Zilla Parishad, Ahmednagar
Tq. & Dist. Ahmednagar
4. The Education Officer (Primary)
Zilla Parishad, Ahmednagar
Tq. & Dist. Ahmednagar

Respondents

Mr. P.V. Jadhavar, advocate for the petitioner.
Mr. A.S. Shinde, A.G.P. for Respondents 1 and 2.
Ms. Suvarna Zaware, advocate for respondents 3 and 4..

**CORAM : R.M.BORDE &
K.L. WADANE, JJ.**

DATE : 25th APRIL, 2017

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.
3. The petitioner has been appointed as Shikshan Sevak as against reserved vacancy prescribed for Scheduled Tribe category. The petitioner claims to be belonging to Mannervarlu Scheduled Tribe and the caste validation proposal tendered to the Scrutiny Committee for verification is stated to be pending.
4. Since the tribe claim in respect of the petitioner is pending with the Scrutiny Committee for consideration, the respondent no. 2 Scrutiny Committee is directed to take decision on the validation proposal pertaining to the petitioner pending with the Scrutiny Committee as expeditiously as possible, preferably within one year from today.
5. Petitioner makes a grievance that although he has completed three years tenure as Shikshan Sevak, he is not being paid salary in the pay-scale prescribed for the Assistant Teacher on completion of the requisite period prescribed under the Government policy. In view of the scheme formulated by the State Government concerning the appointment and service regulations of the Shikshan Sevak, the petitioner on completion of period of three years, shall have to be accommodated in employment as an Assistant Teacher and shall also be required to be paid salary in the prescribed pay-scale.

6. Respondent nos. 3 and 4 are directed to regularize the services of the petitioner in the cadre of Assistant Teacher provisionally and shall also pay the salary in the pay-scale prescribed for the Assistant Teacher from the date of completion of his three years tenure as a Shikshan Sevak i.e. since 26th August, 2012. The arrears receivable by the petitioner shall be computed and paid within period of six months from today. The petitioner shall be entitled to be continued in employment as an Assistant Teacher, however, subject to the decision of the Scrutiny Committee in respect of the tribe certificate validation claim pending with the Scrutiny Committee.

7. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

(K. L. WADANE)
JUDGE

(R.M.BORDE)
JUDGE

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